

- (3) Plaintiff's requests for declaratory or injunctive relief are *sua sponte* DISMISSED as MOOT;
- (4) Plaintiff's claims against Warden Deparlos, Corrections Officers Stroble and Johnson, Sergeant White, and Lieutenant Rogers are DISMISSED WITH PREJUDICE for failure to state a claim;
- (5) Plaintiff's Fourteenth Amendment due process claims against Deputy Warden Shoemaker, Lieutenant Entz, and Counselor Barnes, concerning the denial of an impartial disciplinary hearing, are DISMISSED WITH PREJUDICE for failure to state a claim;
- (6) Plaintiff's Fourteenth Amendment due process claims concerning Special Management Unit (SMU) cell conditions are DISMISSED WITH PREJUDICE for failure to state a claim;
- (7) Plaintiff's Fourteenth Amendment due process claims concerning the denial of the assistance of a staff representative in preparing a defense to disciplinary charges, and the failure to produce investigatory reports for review by that staff representative, are the only claims permitted to proceed;
- (8) This matter is remanded to Magistrate Judge Saporito for further proceedings.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge